

school plan if it meets the requirements of this paragraph.

“(4) TECHNICAL ASSISTANCE.—

“(A) IN GENERAL.—For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall provide technical assistance as the school develops and implements the school plan throughout the duration of such plan.

“(B) SPECIFIC ASSISTANCE.—Such technical assistance—

“(i) shall include assistance in analyzing data from the academic assessments required under section 1111(b)(4), and other samples of student work, to identify and address instructional problems and solutions;

“(ii) shall include assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based upon scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

“(iii) shall include assistance in analyzing and revising the school's budget so that the school resources are more effectively allocated for the activities most likely to increase student achievement and to remove the school from school improvement status; and

“(iv) may be provided—

“(I) by the local educational agency, through mechanisms authorized under section 1117; or

“(II) by the State educational agency, an institution of higher education (in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, or another entity with experience in helping schools improve performance.

“(C) SCIENTIFICALLY BASED RESEARCH.—Technical assistance provided under this section by a local educational agency or an entity approved by that agency shall be based on scientifically based research.

“(5) NOTIFICATION TO PARENTS.—A local educational agency shall promptly provide parents (in a format and, to the extent practicable, in a language they can understand) of each student in an elementary school or a secondary school identified for school improvement—

“(A) an explanation of what the school improvement identification means, and how the school identified for school improvement compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency involved;

“(B) the reasons for the identification;

“(C) an explanation of what the school identified for school improvement is doing to address the problem of low achievement;

“(D) an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem;

“(E) an explanation of how parents described in this paragraph can become involved in addressing the academic issues that caused the school to be identified for school improvement; and

“(F) an explanation regarding the option of their child to transfer to another public school, including a public charter school.

“(6) CORRECTIVE ACTION.—

“(A) IN GENERAL.—In this subsection, the term ‘corrective action’ means action, consistent with State law, that—

“(i) substantially and directly responds to—

“(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

“(II) any underlying staffing, curriculum, or other problems in the school; and

“(ii) is designed to increase substantially the likelihood that students enrolled in the school identified for corrective action will perform at

the State's proficient and advanced levels of achievement on the State academic assessment described in section 1111(b)(4).

“(B) SYSTEM.—In order to help students served under this part meet challenging State academic standards, each local educational agency shall implement a system of corrective action in accordance with subparagraphs (C) through (F) and paragraphs (7) through (9).

“(C) ROLE OF LOCAL EDUCATIONAL AGENCY.—The local educational agency—

“(i) after providing public school choice under paragraph (1)(E) and technical assistance under paragraph (4), shall identify for corrective action and take corrective action with respect to any school served by the local educational agency under this part that—

“(I) fails to make adequate yearly progress, as defined by the State under section 1111(b)(2), at the end of the first full school year following identification under paragraph (1); or

“(II) was in school-improvement status for 2 years or in corrective-action status under this subsection immediately before the effective date of the No Child Left Behind Act of 2001; and

“(ii) shall continue to provide technical assistance consistent with paragraph (4) while instituting any corrective action under clause (i); and

“(D) REQUIREMENTS.—In the case of a school described in subparagraph (C)(i), the local educational agency shall both—

“(i) continue to provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under paragraph (1), unless such an option is prohibited by State law; and

“(ii) take at least 1 of the following corrective actions:

“(I) Replace the school staff which are relevant to the failure to make adequate yearly progress.

“(II) Institute and fully implement a new curriculum, including providing appropriate professional development for all relevant staff, that is based on scientifically based research and offers substantial promise of improving educational performance for low-performing students and the school meeting adequate yearly progress.

“(III) Significantly decrease management authority at the school level.

“(IV) Appoint an outside expert to advise the school on its progress toward meeting adequate yearly progress, based on its school plan under this subsection.

“(V) Extend the school year or school day.

“(VI) Restructure the internal organizational structure of the school.

“(E) DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the school's failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

“(F) PUBLICATION AND DISSEMINATION.—The local educational agency shall publish and disseminate information regarding any corrective action the local educational agency takes under this paragraph at a school—

“(i) to the public and to the parents of each student enrolled in the school subject to corrective action;

“(ii) in a format and, to the extent practicable, in a language that the parents can understand; and

“(iii) through such means as the Internet, the media, and public agencies.

“(7) RESTRUCTURING.—

“(A) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—If—

“(i) a school is subject to corrective action under paragraph (6) for one full school year, and at the end of such year continues to fail to

make adequate yearly progress and students in the school who are from economically disadvantaged families are not making statistically significant progress in the subjects included in the State's definition of adequate yearly progress; or

“(ii) for 2 additional years a school subject to corrective action under paragraph (6) fails to make adequate yearly progress, the local educational agency shall—

“(I) provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under paragraph (1), unless prohibited by State law;

“(II) make supplemental instructional services available, consistent with subsection (d)(1); and

“(III) prepare a plan and make necessary arrangements to carry out subparagraph (B).

“(B) ALTERNATIVE GOVERNANCE.—Not later than the beginning of the school year following the year in which the local educational agency implements subparagraph (A), the local educational agency shall implement 1 of the following alternative governance arrangements for the school consistent with State law:

“(i) Reopening the school as a public charter school.

“(ii) Replacing the principal and all or most of the school staff that are relevant to the failure to make adequate yearly progress.

“(iii) Entering into a contract with an entity, such as a private management company, to operate the public school.

“(iv) Turning the operation of the school over to the State, if permitted under State law and agreed to by the State.

“(C) AVAILABLE RESULTS.—The State educational agency shall ensure that, for any school year in which a school is subject to school improvement under this subsection, the results of State academic assessments for that school are available to the local educational agency by the end of the school year in which the academic assessments are administered.

“(D) PROMPT NOTICE.—The local educational agency shall provide prompt notice to teachers and parents whenever subparagraph (A) or (B) applies, shall provide them adequate opportunity to comment before taking any action under those subparagraphs and to participate in developing any plan under subparagraph (A)(iii), and shall provide parents an explanation of the options under subparagraph (A)(i) and (ii).

“(8) TRANSPORTATION.—In any case described in paragraph (6)(D)(i) and (7)(A)(ii)(I) the local educational agency—

“(A) shall provide, or shall pay for the provision of, transportation for the student to the public school the child attends; and

“(B) may use not more than a total of 15 percent of its allocation under this part for that purpose.

“(9) COOPERATIVE AGREEMENT.—In any case described in paragraph (6)(D)(i) or (7)(A)(ii)(I), if all public schools in the local educational agency to which a child may transfer to, are identified for school improvement, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for a transfer.

“(10) DURATION.—If any school identified for corrective action or restructuring—

“(A) makes adequate yearly progress for 2 consecutive years, the local educational agency need no longer subject it to corrective action or restructuring nor identify it as in need of improvement; or

“(B) fails to make adequate yearly progress, but children from low-income families in the school make statistically significant educational progress for 1 year, the local educational agency shall place or continue as appropriate the school in corrective action under paragraph (6).

“(11) STATE RESPONSIBILITIES.—The State shall—